

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

DELBERT DOUGLAS,

Petitioner,

v.

WILLIAMS GITTERE, *et al.*,

Respondents.

Case No. 3:21-cv-00431-MMD-WGC

ORDER

This is a habeas corpus action under 28 U.S.C. § 2254. Currently before the Court are Petitioner Delbert Douglas's petition for a writ of habeas corpus, motion for appointment of counsel, and motion for investigator. Although Petitioner has paid the filing fee, he is unable to afford counsel. See 18 U.S.C. § 3006A(a)(2)(B). The issues that Petitioner presents would benefit from appointment of counsel. The Court thus will appoint counsel. The Court will deny the motion for investigator because counsel now will make decisions regarding investigation of the case.

It is therefore ordered that the Clerk of Court file the petition for a writ of habeas corpus, the motion for appointment of counsel, and the motion for investigator, currently on the docket at ECF No. 1-1, 1-2, and 1-3.

It is further ordered that Petitioner's motion for appointment of counsel is granted. Counsel will represent Petitioner in all federal proceedings related to this matter, including any appeals or certiorari proceedings, unless allowed to withdraw.

It is further ordered that the Federal Public Defender is appointed provisionally as counsel for Petitioner. The Federal Public Defender will have 30 days from the date of entry of this order either to undertake representation of Petitioner or to indicate to the Court the office's inability to represent Petitioner. If the Federal Public Defender is unable to represent Petitioner, then the Court will appoint alternate counsel. The Court will set a

1 deadline for filing of an amended petition or a motion seeking other relief after counsel has
2 appeared. The Court does not signify any implied finding of tolling during any time period
3 established or any extension granted. Petitioner always remains responsible for
4 calculating the limitation period of 28 U.S.C. § 2244(d)(1) and timely presenting claims.
5 The Court makes no representation that the petition, any amendments to the petition, and
6 any claims in the petition or amendments are not subject to dismissal as untimely. See
7 *Sossa v. Diaz*, 729 F.3d 1225, 1235 (9th Cir. 2013).

8 It is further ordered that the motion for investigator is denied.


9 It is further ordered that the Clerk of Court add Aaron Ford, Attorney General for
10 the State of Nevada, as counsel for Respondents.

11 It is further ordered that Respondents' counsel must enter a notice of appearance
12 within 21 days of entry of this order, but no further response will be required from
13 Respondents until further order of the Court.

14 It is further ordered that the Clerk of Court provide copies of this order and all prior
15 filings to both the Attorney General and the Federal Public Defender in a manner
16 consistent with the Clerk of Court's current practice, such as regeneration of notices of
17 electronic filing.

18 It is further ordered that, notwithstanding Local Rule LR IC 2-2(g), paper copies of
19 any electronically filed exhibits need not be provided to chambers or to the staff attorney,
20 unless later directed by the Court.

21 DATED THIS 28th Day of October 2021.

22
23 
24 _____
25 MIRANDA M. DU
26 CHIEF UNITED STATES DISTRICT JUDGE
27
28